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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,885	04/06/2001	Michael Andrew Browne	J3534(C)	5562
201	7590	10/08/2003		
EXAMINER				ORTIZ, ANGELA Y
ART UNIT				PAPER NUMBER
				1732

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/827,885	BROWNE ET AL.
	<b>Examiner</b> Angela Ortiz	<b>Art Unit</b> 1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 April 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,5 and 7-11 is/are rejected.
- 7) Claim(s) 3,6 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3.5</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election with traverse of claims 1-12 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that there is no undue burden to search both inventions. This is not found persuasive because the search required for claims 13-14 are not required for claims 1-12.

The requirement is still deemed proper and is therefore made FINAL.

Claims 13-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

As the method has been elected, the words –and apparatus—should be deleted from the title.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 4, 5, 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer, USP 4,041,119 in view of Zyngier et al., USP 5,703,025.

The cited primary reference substantially teaches the basic claimed process of molding soap bars having a variegated appearance, including the instant claimed distinct zones. The detailed features include providing a striated column of soap mass having at least two distinct zones of different material within the column. The column is conventionally formed using a plodder having different nozzle systems connected to a nozzle plate with a plurality of openings, and flowing the linear columned material through the separate nozzle systems and through the nozzle plate openings to provide a striated soap mass. A twist roller assembly further twists the striated soap mass to give the striped mass a spiral appearance. The column is subdivided into blanks and

pressed into final bar form in a conventional die. See col. 2, lines 1-30; col. 3, lines 8-45; col. 4, lines 5-15.

The cited primary reference does not set forth the feature of injecting into a mold via nozzle means.

The added secondary reference teaches as conventional the feature of molding cleansing bars, also soap bars, by preparing a soap mixture and transferring the mixture into molds to allow conditioning and solidification of the mixture and to form the soap into bars. See claim 1 and claim 7, col. 3, lines 5-45.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the extruded soap mass in soap molds as shown in the added reference, when performing the process set forth in the primary reference, as the use of mold forming allows conditioning and solidification of the mixture, while also giving a finished shape to the extruded mass into personal sized bars.

With respect to claims 4-5, see twister assembly 16 in USP 4,041,119 at col. 2, lines 20-45 and col. 3, lines 10-30.

With respect to claims 2, 7-9, see col. 2, lines 5-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further optimize the soap bar to include two different compositions for obtaining beneficial properties of both materials in one bar.

With respect to claims 10-11, see col. 2, lines 5-25 of USP 4,041,119.

***Allowable Subject Matter***

Claims 3, 6, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP's 3676538; 3884605; 3890419; 3899566; 4017574; 4094946; 4096221; 4162288; 4196163; 4222979; 4224266; 4304745; 4318878; 4504433; 5217639; 5316712; 5628950; 5786311; 6147040.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 703-308-4446. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703-305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Angela Ortiz  
Primary Examiner  
Art Unit 1732

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